IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 77 OF 2005

Smt. Humera J. F. Ansari ..Petitioner

versus

Ansari J. Faijurrahaman ..Respondent

Ms. D. P. Thakare for the Petitioner.
Mr. P. J. Thorat for the Respondent.

CORAM : A.M. KHANWILKAR, J.
DATE : 1ST MARCH,2006

P.C. :

1. Heard counsel for the parties.

2. By this Petition, the applicant wife prays that the Marriage Petition instituted by the respondent - husband in the Court at Nashik be transferred to the Court at Washim. The petition which has been filed by the respondent - husband before the Nashik Court is for restitution of conjugal rights. The respondent is willing to take back the petitioner and cohabit with her at the matrimonial house. The respondent was told to discuss with the petitioner as to possibility of settlement, especially in the backdrops of the offer

given by him. Vide order dated 17.1.2006, the petitioner was asked to remain present in court, so that settlement talks could be facilitated between the parties. Instead, the petitioner has forwarded affidavit sworn on 24.2.2006 reiterating the stand taken in the present Application and expressing her inability to attend the Court proceedings due to financial difficulty.

3. In the circumstances, Counsel for the respondent was told that the respondent may provide for appropriate amount around Rs.1,000/- to the petitioner to enable her to commute to Mumbai so as to cover her travelling and boarding expenses. The respondent through his counsel has shown willingness to pay amount as may be directed by this Court in that behalf. Counsel for the petitioner however submitted in the morning session that the petitioner cannot come alone and will have to be accompanied by some other male member of the family. The respondent is willing to provide for travelling and boarding expenses even for the person who is going to escort the petitioner.

4. Counsel for the petitioner however after

lunch break informs this court that she has taken instructions from the petitioner, who in turn has clearly stated that the petitioner was not willing to come to Mumbai for any reason.

5. From the stand taken by the petitioner, it is amply clear that the only purpose of this application is to get the proceedings transferred at Washim so as to cause mental and financial strain to the respondent for attending those proceedings. As mentioned earlier, the main petition filed by the respondent before the Nashik Court is for restitution of conjugal rights. If the petitioner is unwilling to acceded to that offer and not even willing to appear before this court to discuss about the settlement, I see no reason to show indulgence to the petitioner as is sought in this application. Hence, rejected.

1.3.2006 A. M. KHANWILKAR, J.